IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2310 OF 2004

Rajeshkumar Upadhyaay .. ..Petitioner
Versus
The State of Maharashtra & Anr. .. ..Respondents

A.M.Saraogi for petitioner
Mr.B.H.Mehta for respondent No.1
Shri Avish Kayser for Respondent Nos.4 and 5

CORAM : R.M.S.KHANDEPARKER &

P.V.KAKADE, JJ.

DATE : 7TH FEBRUARY, 2005.

P.C.

. The petitioner seeks leave to drop the Respondent No.6. Leave is granted. Amendment to the cause title to be carried out forthwith.

2. Heard the advocates for the Petitioner, Respondent No.1 and Respondent Nos.4 and 5. Neither the Respondent Nos.2 and 3 are present nor their advocate. However, the affidavit filed on their behalf disclose that they are agreeable for grant the relief as prayed for by the petitioner.

3. The Petitioner, as stated by him in the

Petition, had engaged the services of Respondent No.6 for the purpose of preparation of Music Album and it appears that in terms of the agreement between the parties the Respondent No.6 was not supported to render his services to any other person for the specified period without prior consent of the Petitioner. It is a complaint of the petitioner that Respondent no.6 in violation of the said agreement worked for Respondent Nos.2 to 5 for preparation of separate Album without the knowledge and consent of the petitioner, therefore, the petitioner had lodged a complaint under Section 406, 420 r/w 34 of I.P.C. and r/w 51, 52A, 62, 68A of Copy Rights Act. In course of time, it is the case of the petitioner that the petitioner had amicably settled the matter with the Respondent Nos.2 and 3 and therefore, he does not want to proceed with the criminal case against the Respondent Nos.2 and 3. It is further case of the Petitioner that pursuant to the order passed by the Magistrate under Section 156 of Criminal Procedure Code, the Police have already registered the FIR against all the respondents including Respondent Nos.2 and 3 and as the Petitioner had amicably settled the matter with Respondent Nos.2 and 3, the Petitioner does not want to proceed against the said Respondent Nos.2 and 3.

Petitioner therefore prays for quashing of the FIR against the Respondent Nos.2 and 3. The same is not objected by the Respondent Nos.4 and 5. The learned APP on behalf of Respondent No.1, though has not consented, has not opposed any order being passed in the matter.

4. In the circumstances bearing in mind the law laid down by the Apex Court in the case of Swati Verma vs. Rajan Verma and Ors. reported in 2004 SCC(Cri.) 25 and considering that the parties have arrived at amicable settlement, the relief in the nature asked for deserves to be granted. Hence the order in accordance with prayer clause (a) as far as it relates to the case against the Respondent Nos. 2 and 3 is concerned. The Petition accordingly disposed of with no order as to costs.

(R.M.S.Khandeparkar,J.)

(P.V.Kakade,J.)